

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ANTONIO LABOY ALMODOVAR,

Plaintiff,

v.

Case No. 21-CV-1455

LISA AVILA *et al.*,

Defendants.

ORDER

Plaintiff Antonio Laboy Almodovar moves to proceed without prepayment of the filing fee (*in forma pauperis*) on appeal. (ECF No. 28.) A party who has been granted leave to proceed *in forma pauperis* in the district court may proceed *in forma pauperis* on appeal without further authorization of the district court unless the district court certifies that the appeal is not taken in good faith or determines that the party is otherwise not entitled to proceed *in forma pauperis*. Fed. R. App. P. 24(a). The court previously granted plaintiff's motion to proceed *in forma pauperis* (ECF No. 3) and has not certified that any appeal would not be taken in good faith. Nor does the court find that Almodovar is otherwise not entitled to proceed *in forma pauperis*. And because Almodovar was not a prisoner when he filed for appeal, the PLRA does not apply. 28 U.S.C. § 1915(b)(1); *see also Shuhaiber v. Ill. Dep't of Corr.*, 980 F.3d 1167, 1170 (7th Cir. 2020). Accordingly, Almodovar is permitted to proceed

without prepayment of any fees or costs without an order from this court and the motion is moot.

THEREFORE, IT IS ORDERED that Almodovar's motion to proceed without prepayment of the filing fee (ECF No. 28) is **DENIED as moot**.

Dated in Milwaukee, Wisconsin this 16th day of August, 2023.



STEPHEN DRIES
United States Magistrate Judge